

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

In the Matter of:

United States of America

v.

Cody L. Prater

317 South Locust Street

McArthur, Ohio 45651

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Case No.: 2:24-mj-578

Magistrate Judge Deavers

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Edward A. La Vigne (Your Affiant), a Special Agent (SA) with the Homeland Security Investigations (HSI), being first duly sworn, hereby depose and state as follows:

INTRODUCTION

1. I, Special Agent Edward A. La Vigne (your affiant), make this affidavit in support of a criminal complaint to arrest for violations of Title 18 United States §§ 2252 and 2252A—the transportation, receipt, and possession of child pornography. Since this affidavit is being submitted for the limited purpose of securing a criminal complaint and arrest warrant, your affiant did not include each fact known concerning this investigation. Your affiant did not withhold any information or evidence that would negate probable cause. Your affiant set forth only the facts that are believed to be necessary to establish probable cause that Joshua E. Bock (BOCK) committed the violations listed above.
2. I am a Special Agent (SA) with Homeland Security Investigations (HSI) and have been since October 2010. I am currently assigned to the National Security - Child Exploitation Group, Assistant Special Agent in Charge (ASAC) Columbus, OH. I am primarily responsible for investigating internet crimes against children, including child pornography offenses and the online exploitation of children, as well as victim identification. During my career as a SA, I have participated in various investigations involving computer-related offenses and have executed numerous search warrants, including those involving searches and seizures of computers, digital media, software, and electronically stored information. I have worked with multiple international law enforcement agencies around the world, focusing on cyber-crimes, transnational narcotics and human smuggling. I have also assisted on various cases and violations, ranging from violent crimes against children and human trafficking, bulk cash smuggling, and labor trafficking. As part of my duties as a Special Agent, I investigate criminal violations relating to child exploitation and child pornography violations, including the illegal production, distribution, transmission, receipt, and possession of child pornography, in violation of 18 U.S.C. §§ 2251, 2252, and 2252A. I have reviewed numerous examples of child pornography (as defined in 18 U.S.C. § 2256) in all forms of media, including computer media.

3. Prior to joining HSI, I spent seven years working as police officer for the United States Capitol Police (USCP), my duties varied from criminal patrol, investigating complaints, felony crimes, conducting counter-intelligence and anti-terrorism operations, traffic crash investigations, the protection of U.S. Senators, and Representatives as well as foreign dignitaries, and investigating threats against those individuals.

PROBABLE CAUSE

4. In June 2020, Homeland Security Investigations (HSI) initiated an investigation of Cody L. PRATER as a result of information regarding individuals who were present in chat groups that are dedicated to child pornography on an internet-based chat application referred to here as "Application A."¹ An undercover HSI agent (the "UC") maintains a presence on Application A.
5. The information initially obtained by HSI, revealed that on March 29, 2024, an individual utilizing the IP address 162.154.160.66 had clicked on a link that was operated by HSI. The link, titled "Pthc_4yo_twins_anal." had been posted in a group that was dedicated to the exchange of child sexual abuse material by the UC. The link, when an Internet user voluntarily clicks on it, directed that user to an HSI-controlled website. Then, in accordance with the ordinary operation of an internet website, the HSI website received and stored certain non-content information that the user's computer transmits to them.
6. A query of an open-source online database revealed that IP address 162.154.160.66, which was used on March 29, 2024 to access the link to the HSI website, was registered to Charter Communications.
7. On April 22, 2024, a subpoena return from Charter Communications was obtained for information on the customer to whom the IP address 162.154.160.66 described above was assigned at the time and date that that IP address accessed the link to the HSI website. Specifically, return results identified the following subscriber information:

Account Holder: Cody PRATER
Account Service Address: 317 S. Locust Ave., McArthur, OH 45651

8. Records checks as of June 1, 2024 conducted through the Ohio Bureau of Motor Vehicles (OBMV) indicate Cody Prater resided at 317 S. Locust Ave., McArthur, OH 45651.
9. On or about July 2, 2024, law enforcement used a government issued Apple smartphone to scan for Wi-Fi networks near the residence of PRATER. The scan displayed various Wi-

¹ The name of Application A, as well as other information about the undercover operation, is known to law enforcement but anonymized in this affidavit to protect operational security. Application A remains active and disclosure of the name of the application would potentially alert its users to the fact that law enforcement action is being taken against users of the application, thereby provoking users to notify other users of law enforcement action, flee, and/or destroy evidence. Accordingly, to protect the confidentiality and integrity of the ongoing investigation involved in this matter, specific names and other identifying factors have been replaced with generic terms and the application will be identified herein as "Application A."

Fi networks and all the networks observed were secured networks. A secured network requires an individual to have a password and or an encryption key to obtain access to the secured network.

10. Additional research revealed that PRATER had been convicted in Athens County, Ohio Court of Common Pleas on or about July 23, 2019 for Pandering Sexually Oriented Matter Involving Minors or Impaired Persons in violation of Ohio Revised Code (ORC) §2907.322A1, a felony in the second degree, under case number 18CR0184. PRATER was sentenced to four years incarceration.
11. On or about July 9, 2024, your affiant obtained a federal search warrant for the person of PRATER as well as his residence located at 317 S. Locust St., McArthur OH 45651. The warrant authorized the seizure of any and all computers and digital media devices located thereon or therein. The warrant was executed on or about July 11, 2024. PRATER was present on scene and in sum, approximate 17 electronic devices were seized to include cellular phones, laptop and desk top computers, as well as external thumb drives, and miscellaneous documents.
12. The items seized also included a blue in color "Tails" thumb drive which was seized from PRATER's bedroom. The "Tails" operating system is known by law enforcement to be designed to force all user connections to go through the Tor browser and block any non-anonymous connections. When an external device containing the TAILS system is connected to a computer and utilized to access the internet, no traces of the internet activity conducted will remain on the computer or external device. Your affiant knows that a "Tails" drive is transferrable, making it highly portable for use on different computers without leaving evidence of a user's activities.
13. "Tails" has an option for encrypted persistent storage where a user can save documents, files, photographs, and videos securely on the USB drive. Users often utilize strong encrypted passwords on the "Tails" drive to prevent unwanted access by any subject that may come into possession of the drive without the owner's password. Often users of "Tails" drives will write down or save the password for their "Tails" application in a separate computer file folder, notebook, index card, or on their cellular phones. If the password is lost or forgotten by the user, they will no longer be able to access the data they're storing on their "Tails" drive.
14. On or about November 19, 2024, after months of processing the forensics on the devices seized, law enforcement was able to access the blue "Tails" thumb drive seized from PRATER's bedroom. The device was able to be accessed by decoding the drives password utilizing a list of passwords PRATER had written down on various documents, documents which were also seized during the search warrant execution at PRATER's residence. SA total of nine videos of male subjects engaged in sex acts with infants and adults were recovered. The following is an example of the content found on PRATER's device:
 - a. One video, titled "4bVT" which was approximately 25 seconds in length, depicted an infant child, laying on their stomach, with their upper body covered by a small

blanket. A male subjected was seen penetrating the infant while it is being held face down, screaming and crying. The male continues to penetrate the infant and then pulls his penis out of the infant to ejaculate onto the carpeted floor.

- b. One video, titled "4kYzt" which was approximately 1:00 minute in length, depicted a toddler of indeterminate sex being held down on a bed between the legs of an adult male. The male was observed trying to insert his erect penis into the mouth of the toddler. The toddler continually turned its head while whimpering and struggled to move its mouth away from the male's penis.
 - c. One video, titled "EjMEC" which was approximately 32 seconds in length, depicted a female infant child being sexually assaulted by an adult male. In the video, the infant was being held down on the male's lap as he inserts his erect penis into the infant's vagina. The infant can be heard screaming in the video.
 - d. One video, titled "Y27K" which was approximately 14 seconds in length, depicted an infant (sex indeterminate) placed on his/her back with an adult male straddling the child. The male continued to force his erect penis into the infant's mouth while the infant is heard crying as he/she struggles during the assault.
15. Based upon the above information, your affiant submits that there is probable cause to believe that Cody L. PRATER has committed offenses in violation of Title 18 United States §§ 2252 and 2252A—the distribution, transportation, receipt, and possession of child pornography. Therefore, your affiant respectfully requests this court issue a criminal complaint and arrest warrant.

EA La Vigne

Edward A. La Vigne
Special Agent
Homeland Security Investigations

Sworn and subscribed to before me this 6th day of December, 2024.

Elizabeth A. Preston Deavers

The Honorable Elizabeth A. Preston Deavers
Magistrate Judge
U.S. District Court for the Southern District of Ohio

